

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

GUARANTY RESIDENTIAL LENDING,  
INC., a Nevada Corporation, and  
ASSURAFIRST FINANCIAL COMPANY, a  
Michigan corporation, d/b/a HOMESTEAD  
USA and HOMESTEAD MORTGAGE,

Civil Case Number: 04-CV-74842

PAUL D. BORMAN  
UNITED STATES DISTRICT COURT

Plaintiffs, Counter-Defendants,  
Cross-Plaintiffs,

v.

HOMESTEAD MORTGAGE COMPANY,  
L.L.C., a Michigan limited liability company,

Defendant, Counter-Plaintiff,

BOB FITZNER d/b/a HOMESTEAD  
MORTGAGE CO.,

Counter-Plaintiff, Cross-  
Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
IN FAVOR OF (1) RE-OPENING DISCOVERY FOR SIXTY DAYS TO ALLOW  
PLAINTIFFS/COUNTER-DEFENDANTS TO CONDUCT LIMITED DEPOSITIONS  
AND (2) ORDERING COUNTER-PLAINTIFF BOB FITZNER TO PAY PLAINTIFF'S  
COUNSEL REASONABLE COSTS AND ATTORNEYS FEES OF THE LIMITED  
DEPOSITIONS**

Before the Court is the Magistrate Judge's June 18, 2009 Report and Recommendation in favor of granting in part and denying in part Plaintiffs'/Counter-Defendants' Combined Emergency Motion for Denial of Counter-Plaintiffs' First Amended Motion for Summary Judgment, Attorneys' Fees under Fed. R. Civ. P. 56(f)(1), and to Re-open Discovery under Fed.

R. Civ. P. 16(b)(4), (Dkt. No. 196), and Plaintiffs'/Counter-Defendants' Emergency Motion under Fed. R. Civ. P. 12(f) and 37 to Strike, to Dismiss the July 5, 2005 Counterclaims, and to Compel Discovery from Counter-Plaintiff Fitzner. (Dkt. No. 197).

Having reviewed that Report and Recommendation, and there being no objections, the Court enters as its findings and conclusions of the Report and Recommendation in favor of (1) **GRANTING** Plaintiffs/Counter-Defendants sixty days from today's date to depose the two 2006 licensees of the Mark and to depose Counter-Plaintiff Bob Fitzner, limited to the issues of the 2006 licences; and (2) **ORDERING** Bob Fitzner to pay Plaintiffs'/Counter-Defendants' counsel the reasonable expenses incurred by Plaintiffs' counsel in taking these three depositions, including reasonable attorney fees.

**SO ORDERED.**

S/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: July 31, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on July 31, 2009.

S/Denise Goodine  
Case Manager